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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,458	11/08/2001	Masanori Kondo	01-232	5073

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EXAMINER

CHOI, JACOB Y

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,458

Applicant(s)

KONDO ET AL.

Examiner

Jacob Y Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the vehicle information detection means, control angle calculation means, light axis control angle, light axis direction adjustment means, direction detection means, and failure detection means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: a vehicle information detection means, a control angle calculation means, a light axis direction adjustment means, a direction detection means & a failure detection means.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Toda et al. (USPN 6,305,823).

Regarding claim 1, Toda et al. discloses a vehicle information detection means (12) for detecting information of a vehicle, a control angle calculation means (CPU, 14) for calculating a light axis control angle to adjust a light axis direction of a headlight on a

basis of the detected information, a light axis direction adjustment means (118, 110) for adjusting the light axis direction of the headlight on a basis of the calculated light axis control angle, a direction detection means (112) for detecting the light axis direction of the headlight, and failure detection means (120, 122) for detecting a failure in the light axis direction adjustment means on a basis of the detected light axis direction from the position detection means when the light axis direction adjustment means is driven before the light axis control is started.

Regarding claim 2, Toda et al. discloses a failure dealing means for dealing with the failure in the light axis direction adjustment means.

Regarding claim 3, Toda et al. discloses the failure detection mean is operable in response to an engine starting operation (Figure 2).

Regarding claim 4, Toda et al. discloses the failure detection means is operable in response to an engine ignition switch operation (Figure 2).

Regarding claim 5, Toda et al. discloses the failure detection means forcibly drives the light axis direction adjustment means to a predetermined direction irrespective of the calculated light axis control angle and compares the detected light axis direction with the predetermined direction.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

89. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toda et al. (USPN 6,305,823).

Regarding claim Toda et al. discloses the structural limitation of an automatic headlight axis direction control system for a vehicle. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). Therefore, it would have been obvious that structural limitation of Toda et al. would determine a failure detection time point which precedes lighting operation of the headlight, driving the headlight to a predetermined headlight axis direction at the failure detection time point, detecting an actual headlight axis direction of the headlight driven by the driving step, and detecting a failure of a headlight system when the detected actual headlight axis direction differs from the predetermined headlight axis direction, the determining step starts in timed relation with an engine starting operation, the determining step starts in timed relation with an engine ignition switch operation, the driving step drives the headlight to two limit angels as the predetermined headlight axis direction, detecting vehicle information, calculating a headlight axis direction variable with the detected vehicle information when a headlight operation is needed and the failure detecting means detects no failure, and driving the headlight to the calculated headlight axis direction.

Conclusion

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kobayashi (USPN 6,049,749) – lighting device for a vehicle

Ikegami et al. (USPN 5,217,087) – two-wheeled vehicle control apparatus

Miyauchi et al. (USPN 4,868,720) – road surface-sensitive beam pattern leveling system for a vehicle headlamp

Miyauchi et al. (USPN 4,833,573) – headlight for vehicle

Kobayshi (USPN 5,645,338) – light distribution control device for vehicular headlamp

Tanabe et al. (USPN 6,109,759) – optical beam axis adjustment apparatus of head lamp for use in vehicle

Ohmamyuda et al. (USPN 5,010,457) – apparatus for adjusting attitude of optical axes of head lamps on vehicle

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (703) 308-4792. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7724.

JC
October 15, 2002



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800